
By: Senators Stone and Bromwell, Bromwell, Colburn, Ferguson, Forehand, Green, Haines, Hughes, Jimeno, Kelley, and Middlebrooks

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Assigned to: Judicial Proceedings

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Senate action: Adopted

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CHAPTER _____

1 AN ACT concerning

2 Sexually Violent Predators and Sexual Offenders - Notification and Registration

3 FOR the purpose of requiring the Department of Public Safety and Correctional Services
 4 to maintain a central registry of sexually violent predators and sexual offenders;
 5 requiring a sexual offender to register with the Department within a certain period
 6 of time after the occurrence of certain events; requiring a sexually violent predator
 7 to register with the local law enforcement agency within a certain period of time
 8 after the occurrence of certain events; requiring a supervising authority to give
 9 written notice of the registration requirements of this Act to sexually violent
 10 predators and sexual offenders and to obtain a signed statement acknowledging
 11 receipt of the notices; requiring that a registration statement include certain
 12 information; requiring a sexual offender to notify the Department within a certain
 13 period of time after changing residences; requiring a sexual offender to register with
 14 the Department annually for a certain period of time; requiring the Department to
 15 transmit specified information to the Federal Bureau of Investigation; requiring a
 16 court to determine, at a certain stage of the criminal proceedings, whether a person
 17 who is convicted of a sexually violent offense is a sexually violent predator;
 18 ~~authorizing a State's Attorney to request the court to consider certain evidence in~~
 19 ~~making the determination~~ requiring the Court of Appeals to adopt certain rules;
 20 requiring certain supervising authorities to send written notice of the release of a
 21 sexually violent predator to the local law enforcement agency in the county where
 22 the offender will reside; requiring that the written notice contain certain
 23 information; requiring that the notice be sent to certain persons on request and to
 24 certain other persons under certain circumstances; requiring a local law
 25 enforcement agency to send a copy of a registration, within a certain period, to the
 26 Department; requiring a local law enforcement agency to send copies of registration
 27 statements to certain persons under certain circumstances; authorizing a law

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1 enforcement agency to provide electronic access to copies of certain registration
 2 statements to certain persons who request the information on the Internet;
 3 requiring a local law enforcement agency to provide certain notice to the
 4 Department and certain other persons of a sexually violent predator's change in
 5 address; requiring that a local law enforcement agency provide certain notice and a
 6 copy of a registration statement to the police department of a municipal corporation
 7 under certain circumstances; requiring the Department to mail certain verification
 8 forms; authorizing the Department to release certain information in accordance
 9 with regulations established by the Department; allowing a sexually violent predator
 10 who has been registered under this Act for a certain length of time to file a petition
 11 requesting a court to rule that the person is no longer a sexually violent predator;
 12 requiring the petition to be filed with a certain court; requiring the court to consider
 13 certain information on the filing of the petition; requiring the court to take certain
 14 actions concerning the petition within a certain period of time; specifying the effect
 15 of the court's action concerning the petition; requiring a sexually violent predator,
 16 under certain circumstances, to verify the predator's place of residence and report
 17 changes of address to the ~~supervising authority~~ local law enforcement agency;
 18 making the violation of any provision of this Act a penitentiary misdemeanor;
 19 imposing certain penalties; requiring the Department to conduct certain public
 20 education and awareness programs; ~~requiring the Director of Mental Hygiene to~~
 21 ~~appoint one or more boards on sexually violent predators; requiring the Director to~~
 22 ~~establish rules governing a board; specifying the duties of a board; authorizing~~
 23 ~~members of a board to receive compensation; providing for the construction of this~~
 24 ~~Act; providing that certain information is not a material fact to be disclosed by a~~
 25 ~~real estate licensee;~~ providing for the application of this Act; defining certain terms;
 26 and generally relating to sexually violent predators.

27 BY adding to

28 Article 27 - Crimes and Punishments
 29 Section 792A and 792B
 30 Annotated Code of Maryland
 31 (1996 Replacement Volume)

32 ~~BY adding to~~

33 ~~Article - Health - General~~
 34 ~~Section 10-927 to be under the new part "Part V. Boards on Sexually Violent~~
 35 ~~Predators"~~
 36 ~~Annotated Code of Maryland~~
 37 ~~(1994 Replacement Volume and 1996 Supplement)~~

38 ~~BY repealing and reenacting, without amendments,~~

39 ~~Article - Health - General~~
 40 ~~Section 10-101(d)~~
 41 ~~Annotated Code of Maryland~~
 42 ~~(1994 Replacement Volume and 1996 Supplement)~~

3

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article 27 - Crimes and Punishments**

4 792A.

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
6 INDICATED.

7 (2) "CONVICTED" INCLUDES:

8 (I) GRANTED PROBATION BEFORE JUDGMENT AFTER BEING
9 FOUND GUILTY OF AN OFFENSE AND HAS BEEN ORDERED BY THE COURT, AS A
10 CONDITION OF PROBATION, TO COMPLY WITH THE REQUIREMENTS OF THIS
11 SECTION; AND

12 (II) FOUND NOT CRIMINALLY RESPONSIBLE FOR AN OFFENSE.

13 (3) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC SAFETY AND
14 CORRECTIONAL SERVICES.

15 (4) (I) "RELEASE" MEANS ANY TYPE OF RELEASE FROM THE
16 CUSTODY OF A SUPERVISING AUTHORITY.

17 (II) "RELEASE" INCLUDES RELEASE ON PAROLE, MANDATORY
18 SUPERVISION, WORK RELEASE, AND ANY TYPE OF TEMPORARY LEAVE OTHER THAN
19 LEAVE THAT IS GRANTED ON AN EMERGENCY BASIS.

20 (III) "RELEASE" DOES NOT INCLUDE AN ESCAPE.

21 (5) "RESIDENT" MEANS A PERSON WHO LIVES IN THIS STATE AT THE
22 TIME THE PERSON:

23 (I) IS RELEASED;

24 (II) IS GRANTED PROBATION BEFORE JUDGMENT;

25 (III) IS GRANTED PROBATION AFTER JUDGMENT;

26 (IV) IS GRANTED A SUSPENDED SENTENCE; OR

27 (V) RECEIVES A SENTENCE THAT DOES NOT INCLUDE A TERM OF
28 IMPRISONMENT.

29 (6) "SEXUALLY VIOLENT OFFENSE" MEANS:

30 (I) A VIOLATION OF ANY OF THE PROVISIONS OF § 462, § 463, § 464,
31 § 464A, § 464B, OR § 464F OF THIS ARTICLE;

32 (II) ASSAULT WITH INTENT TO COMMIT RAPE IN THE FIRST OR
33 SECOND DEGREE OR A SEXUAL OFFENSE IN THE FIRST OR SECOND DEGREE AS
34 PREVIOUSLY PROSCRIBED UNDER FORMER § 12 OF THIS ARTICLE; OR

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1 (III) AN OFFENSE IN ANOTHER STATE THAT, IF COMMITTED IN THIS
2 STATE, WOULD CONSTITUTE A VIOLATION DESCRIBED IN ITEMS (I) OR (II) OF THIS
3 PARAGRAPH.

4 (7) "SEXUAL OFFENDER" MEANS A PERSON WHO:

5 (I) HAS BEEN CONVICTED OF A SEXUALLY VIOLENT OFFENSE;

6 (II) HAS BEEN CONVICTED OF AN ATTEMPT TO COMMIT A
7 SEXUALLY VIOLENT OFFENSE;

8 (III) HAS BEEN GRANTED PROBATION BEFORE JUDGMENT AFTER
9 BEING FOUND GUILTY OF A SEXUALLY VIOLENT OFFENSE AND HAS BEEN ORDERED
10 BY THE COURT, AS A CONDITION OF PROBATION, TO COMPLY WITH THE
11 REQUIREMENTS OF THIS SECTION;

12 (IV) HAS BEEN FOUND NOT CRIMINALLY RESPONSIBLE FOR A
13 SEXUALLY VIOLENT OFFENSE; OR

14 (V) HAS BEEN CONVICTED IN ANOTHER STATE OF AN OFFENSE
15 THAT, IF COMMITTED IN THIS STATE, WOULD CONSTITUTE A SEXUALLY VIOLENT
16 OFFENSE.

17 (8) "SUPERVISING AUTHORITY" MEANS:

18 (I) IF THE SEXUAL OFFENDER IS IN THE CUSTODY OF A FACILITY
19 OPERATED BY THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL
20 SERVICES, THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES;

21 (II) IF THE SEXUAL OFFENDER IS IN THE CUSTODY OF A LOCAL OR
22 REGIONAL DETENTION CENTER, INCLUDING AN OFFENDER WHO IS PARTICIPATING
23 IN A HOME DETENTION PROGRAM, THE ADMINISTRATOR OF THE FACILITY;

24 (III) EXCEPT AS PROVIDED IN SUBPARAGRAPH (VII) OF THIS
25 PARAGRAPH, IF THE SEXUAL OFFENDER IS GRANTED PROBATION BEFORE
26 JUDGMENT, PROBATION AFTER JUDGMENT, OR A SUSPENDED SENTENCE, THE
27 COURT THAT GRANTED THE PROBATION OR SUSPENDED SENTENCE;

28 (IV) IF THE SEXUAL OFFENDER IS IN THE CUSTODY OF THE
29 PATUXENT INSTITUTION, THE DIRECTOR OF THE PATUXENT INSTITUTION;

30 (V) IF THE SEXUAL OFFENDER IS IN THE CUSTODY OF A FACILITY
31 OPERATED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, THE
32 SECRETARY OF HEALTH AND MENTAL HYGIENE; ~~OR~~

33 (VI) IF THE SEXUAL OFFENDER'S SENTENCE DOES NOT INCLUDE A
34 TERM OF IMPRISONMENT, THE COURT IN WHICH THE OFFENDER WAS CONVICTED;
35 OR

36 (VII) IF THE SEXUAL OFFENDER IS UNDER THE SUPERVISION OF
37 THE DIVISION OF PAROLE AND PROBATION, THE DIRECTOR OF PAROLE AND
38 PROBATION.

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1 (B) THE DEPARTMENT SHALL MAINTAIN A CENTRAL REGISTRY OF SEXUAL
2 OFFENDERS.

3 (C) A SEXUAL OFFENDER SHALL REGISTER WITH THE DEPARTMENT:

4 (1) IF THE SEXUAL OFFENDER IS A RESIDENT, WITHIN 7 DAYS AFTER:

5 (I) BEING RELEASED;

6 (II) BEING GRANTED PROBATION BEFORE JUDGMENT;

7 (III) BEING GRANTED PROBATION AFTER JUDGMENT;

8 (IV) BEING GRANTED A SUSPENDED SENTENCE; OR

9 (V) RECEIVING A SENTENCE THAT DOES NOT INCLUDE A TERM OF
10 IMPRISONMENT; OR

11 (2) IF THE SEXUAL OFFENDER IS NOT A RESIDENT, WITHIN 7 DAYS
12 AFTER THE EARLIER OF:

13 (I) ESTABLISHING A TEMPORARY OR PERMANENT RESIDENCE IN
14 THIS STATE; OR

15 (II) APPLYING FOR A DRIVER'S LICENSE IN THIS STATE.

16 (D) ON THE EARLIER OF THE DATE THAT THE SEXUAL OFFENDER IS
17 RELEASED, IS GRANTED PROBATION BEFORE JUDGMENT, IS GRANTED PROBATION
18 AFTER JUDGMENT, IS GRANTED A SUSPENDED SENTENCE, OR RECEIVES A
19 SENTENCE THAT DOES NOT INCLUDE A TERM OF IMPRISONMENT, THE SUPERVISING
20 AUTHORITY SHALL:

21 (1) GIVE WRITTEN NOTICE TO A SEXUAL OFFENDER OF THE
22 REGISTRATION REQUIREMENTS OF THIS SECTION; AND

23 (2) OBTAIN A STATEMENT SIGNED BY THE SEXUAL OFFENDER
24 ACKNOWLEDGING THE RECEIPT OF THE WRITTEN NOTICE.

25 (E) IF THE SUPERVISING AUTHORITY ACCEPTS SUPERVISION OF AND HAS
26 LEGAL AUTHORITY OVER A SEXUAL OFFENDER FROM ANOTHER STATE UNDER THE
27 TERMS AND CONDITIONS OF THE INTERSTATE COMPACT AGREEMENT ESTABLISHED
28 UNDER ARTICLE 41, § 4-801 OR §§ 4-1201 THROUGH 4-1211 OF THE CODE, THE
29 SUPERVISING AUTHORITY SHALL:

30 (1) GIVE THE SEXUAL OFFENDER WRITTEN NOTICE OF THE
31 REGISTRATION REQUIREMENTS OF THIS SECTION; AND

32 (2) OBTAIN A STATEMENT SIGNED BY THE SEXUAL OFFENDER
33 ACKNOWLEDGING THE RECEIPT OF THE WRITTEN NOTICE.

34 (F) (1) REGISTRATION SHALL CONSIST OF A STATEMENT SIGNED BY A
35 SEXUAL OFFENDER WHICH SHALL INCLUDE:

36 (I) THE SEXUAL OFFENDER'S NAME, ADDRESS, AND PLACE OF
37 EMPLOYMENT;

6

1 (II) A DESCRIPTION OF THE CRIME FOR WHICH THE SEXUAL
2 OFFENDER WAS CONVICTED, GRANTED PROBATION BEFORE JUDGMENT, OR FOUND
3 NOT CRIMINALLY RESPONSIBLE;

4 (III) THE DATE THAT THE SEXUAL OFFENDER WAS CONVICTED,
5 GRANTED PROBATION BEFORE JUDGMENT, OR FOUND NOT CRIMINALLY
6 RESPONSIBLE;

7 (IV) THE JURISDICTION IN WHICH THE SEXUAL OFFENDER WAS
8 CONVICTED, GRANTED PROBATION BEFORE JUDGMENT, OR FOUND NOT
9 CRIMINALLY RESPONSIBLE;

10 (V) A LIST OF ANY ALIASES THAT HAVE BEEN USED BY THE
11 SEXUAL OFFENDER; AND

12 (VI) THE SEXUAL OFFENDER'S SOCIAL SECURITY NUMBER.

13 (2) THE DEPARTMENT SHALL OBTAIN A PHOTOGRAPH AND
14 FINGERPRINTS OF THE SEXUAL OFFENDER AND INCLUDE COPIES OF THE
15 PHOTOGRAPH AND FINGERPRINTS IN THE REGISTRATION STATEMENT.

16 (3) AS SOON AS POSSIBLE AND IN NO EVENT LATER THAN 3 WORKING
17 DAYS AFTER RECEIVING THE CONVICTION DATA AND FINGERPRINTS OF A SEXUAL
18 OFFENDER, THE DEPARTMENT SHALL TRANSMIT THE DATA AND FINGERPRINTS TO
19 THE FEDERAL BUREAU OF INVESTIGATION IF THE BUREAU DOES NOT HAVE THAT
20 INFORMATION.

21 (G) IF A SEXUAL OFFENDER CHANGES RESIDENCES, THE OFFENDER SHALL
22 SEND TO THE DEPARTMENT WRITTEN NOTICE OF THE CHANGE WITHIN 7 DAYS
23 AFTER THE CHANGE OCCURS.

24 (H) A SEXUAL OFFENDER SHALL REGISTER WITH THE DEPARTMENT
25 ANNUALLY FOR 10 YEARS AFTER:

26 (1) THE LAST DATE OF RELEASE;

27 (2) THE OFFENDER IS GRANTED PROBATION BEFORE JUDGMENT,
28 PROBATION AFTER JUDGMENT, OR A SUSPENDED SENTENCE; OR

29 (3) THE OFFENDER RECEIVES A SENTENCE THAT DOES NOT INCLUDE A
30 TERM OF IMPRISONMENT.

31 (I) (1) THE DEPARTMENT SHALL MAIL ANNUALLY A VERIFICATION FORM,
32 WHICH MAY NOT BE FORWARDED, TO THE LAST REPORTED ADDRESS OF A SEXUAL
33 OFFENDER.

34 (2) WITHIN 10 DAYS AFTER RECEIVING THE VERIFICATION FORM, THE
35 SEXUAL OFFENDER SHALL SIGN THE VERIFICATION FORM AND MAIL IT TO THE
36 DEPARTMENT.

37 (J) THE DEPARTMENT SHALL RELEASE INFORMATION CONCERNING
38 REGISTRATION STATEMENTS TO THE PUBLIC IN ACCORDANCE WITH REGULATIONS
39 ESTABLISHED BY THE DEPARTMENT.

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1 ~~(K)~~ (K) A SEXUAL OFFENDER WHO KNOWINGLY FAILS TO REGISTER AS
2 REQUIRED BY THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS
3 SUBJECT TO IMPRISONMENT IN THE PENITENTIARY FOR NOT MORE THAN 3 YEARS
4 OR A FINE OF NOT MORE THAN \$5,000 OR BOTH.

5 792B.

6 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
7 INDICATED.

8 (2) "CONVICTED" INCLUDES:

9 (I) GRANTED PROBATION BEFORE JUDGMENT AFTER BEING
10 FOUND GUILTY OF AN OFFENSE AND HAS BEEN ORDERED BY THE COURT, AS A
11 CONDITION OF PROBATION, TO COMPLY WITH THE REQUIREMENTS OF THIS
12 SECTION; AND

13 (II) FOUND NOT CRIMINALLY RESPONSIBLE FOR AN OFFENSE.

14 (3) "LOCAL LAW ENFORCEMENT AGENCY" MEANS THE LAW
15 ENFORCEMENT AGENCY IN A COUNTY THAT HAS BEEN DESIGNATED BY
16 RESOLUTION OF THE COUNTY GOVERNING BODY AS THE PRIMARY LAW
17 ENFORCEMENT UNIT IN THE COUNTY.

18 ~~(4) "MENTAL ABNORMALITY" MEANS A CONGENITAL OR ACQUIRED
19 CONDITION OF AN OFFENDER THAT AFFECTS THE EMOTIONAL OR VOLITIONAL
20 CAPACITY OF THE PERSON IN A MANNER THAT PREDISPOSES THAT PERSON TO THE
21 COMMISSION OF CRIMINAL SEXUAL ACTS TO A DEGREE THAT MAKES THE
22 OFFENDER A MENACE TO THE HEALTH AND SAFETY OF OTHER PERSONS.~~

23 ~~(5)~~ (4) (I) "RELEASE" MEANS ANY TYPE OF RELEASE FROM THE
24 CUSTODY OF A SUPERVISING AUTHORITY.

25 (II) "RELEASE" INCLUDES RELEASE ON PAROLE, MANDATORY
26 SUPERVISION, WORK RELEASE, AND ANY TYPE OF TEMPORARY LEAVE OTHER THAN
27 LEAVE THAT IS GRANTED ON AN EMERGENCY BASIS.

28 (III) "RELEASE" DOES NOT INCLUDE AN ESCAPE.

29 ~~(6)~~ (5) "SEXUALLY VIOLENT OFFENSE" MEANS:

30 (I) A VIOLATION OF ANY OF THE PROVISIONS OF § 462, § 463, § 464,
31 § 464A, § 464B, OR § 464F OF THIS ARTICLE;

32 (II) ASSAULT WITH INTENT TO COMMIT RAPE IN THE FIRST OR
33 SECOND DEGREE OR A SEXUAL OFFENSE IN THE FIRST OR SECOND DEGREE AS
34 PREVIOUSLY PROSCRIBED UNDER FORMER § 12 OF THIS ARTICLE; OR

35 (III) AN OFFENSE IN ANOTHER STATE THAT, IF COMMITTED IN THIS
36 STATE, WOULD CONSTITUTE A VIOLATION DESCRIBED IN ITEMS (I) OR (II) OF THIS
37 PARAGRAPH.

38 ~~(7)~~ (6) "SEXUALLY VIOLENT PREDATOR" MEANS A PERSON WHO:

8

1 (I) 1. HAS BEEN CONVICTED OF A SEXUALLY VIOLENT
2 OFFENSE;

3 2. HAS BEEN CONVICTED OF AN ATTEMPT TO COMMIT A
4 SEXUALLY VIOLENT OFFENSE;

5 3. HAS BEEN GRANTED PROBATION BEFORE JUDGMENT
6 AFTER BEING FOUND GUILTY OF A SEXUALLY VIOLENT OFFENSE AND HAS BEEN
7 ORDERED BY THE COURT, AS A CONDITION OF PROBATION, TO COMPLY WITH THE
8 REQUIREMENTS OF THIS SECTION;

9 4. HAS BEEN FOUND NOT CRIMINALLY RESPONSIBLE FOR A
10 SEXUALLY VIOLENT OFFENSE; OR

11 5. HAS BEEN CONVICTED IN ANOTHER STATE OF AN
12 OFFENSE THAT, IF COMMITTED IN THIS STATE, WOULD CONSTITUTE A SEXUALLY
13 VIOLENT OFFENSE; AND

14 (II) ~~SUFFERS FROM A MENTAL ABNORMALITY OR PERSONALITY~~
15 ~~DISORDER THAT MAKES THE PERSON LIKELY TO COMMIT A SEXUALLY VIOLENT~~
16 ~~OFFENSE HAS BEEN DETERMINED IN ACCORDANCE WITH THE MARYLAND RULES~~
17 ~~TO BE AT RISK OF COMMITTING A SUBSEQUENT SEXUALLY VIOLENT OFFENSE FOR~~
18 ~~THE PRIMARY PURPOSE OF VICTIMIZATION.~~

19 ~~(8)~~ (7) "SUPERVISING AUTHORITY" MEANS:

20 (I) IF THE SEXUALLY VIOLENT PREDATOR IS IN THE CUSTODY OF
21 A FACILITY OPERATED BY THE DEPARTMENT OF PUBLIC SAFETY AND
22 CORRECTIONAL SERVICES, THE SECRETARY OF PUBLIC SAFETY AND
23 CORRECTIONAL SERVICES;

24 (II) IF THE SEXUALLY VIOLENT PREDATOR IS IN THE CUSTODY OF
25 A LOCAL OR REGIONAL DETENTION CENTER, INCLUDING AN OFFENDER WHO IS
26 PARTICIPATING IN A HOME DETENTION PROGRAM, THE ADMINISTRATOR OF THE
27 FACILITY;

28 (III) EXCEPT AS PROVIDED IN SUBPARAGRAPH (VII) OF THIS
29 PARAGRAPH, IF THE SEXUALLY VIOLENT PREDATOR IS GRANTED PROBATION
30 BEFORE JUDGMENT, PROBATION AFTER JUDGMENT, OR A SUSPENDED SENTENCE,
31 THE COURT THAT GRANTED THE PROBATION OR SUSPENDED SENTENCE;

32 (IV) IF THE SEXUALLY VIOLENT PREDATOR IS IN THE CUSTODY OF
33 THE PATUXENT INSTITUTION, THE DIRECTOR OF THE PATUXENT INSTITUTION;

34 (V) IF THE SEXUALLY VIOLENT PREDATOR IS IN THE CUSTODY OF
35 A FACILITY OPERATED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE,
36 THE SECRETARY OF HEALTH AND MENTAL HYGIENE; ~~OR~~

37 (VI) IF THE SEXUALLY VIOLENT PREDATOR'S SENTENCE DOES NOT
38 INCLUDE A TERM OF IMPRISONMENT, THE COURT IN WHICH THE OFFENDER WAS
39 CONVICTED; OR

1 (VII) IF THE SEXUAL OFFENDER IS UNDER THE SUPERVISION OF
2 THE DIVISION OF PAROLE AND PROBATION, THE DIRECTOR OF PAROLE AND
3 PROBATION.

4 (B) (1) SUBJECT TO PARAGRAPH ~~(2)~~ (3) OF THIS SUBSECTION, IF A PERSON IS
5 CONVICTED OF A SEXUALLY VIOLENT OFFENSE, ~~THE STATE'S ATTORNEY MAY~~
6 ~~REQUEST THE COURT TO DETERMINE PRIOR TO SENTENCING~~ THE SENTENCING
7 COURT SHALL DETERMINE WHETHER THE PERSON IS A SEXUALLY VIOLENT
8 PREDATOR BEFORE THE OFFENDER IS RELEASED.

9 (2) THE SUPERVISING AUTHORITY SHALL NOTIFY THE SENTENCING
10 COURT OF THE RELEASE OF A SEXUALLY VIOLENT OFFENDER IN SUFFICIENT TIME
11 FOR THE COURT TO MAKE A DETERMINATION UNDER PARAGRAPH (1) OF THIS
12 SUBSECTION. WHENEVER POSSIBLE, THE SUPERVISING AUTHORITY SHALL NOTIFY
13 THE SENTENCING COURT AT LEAST 6 MONTHS BEFORE THE RELEASE OF A
14 SEXUALLY VIOLENT OFFENDER.

15 (3) IN MAKING A DETERMINATION UNDER PARAGRAPH (1) OF THIS
16 SUBSECTION, THE COURT SHALL CONSIDER:

17 (I) ~~AN EVALUATION OF THE PERSON BY TWO EXPERTS IN THE~~
18 ~~TREATMENT OF SEXUAL OFFENDERS, AS DESIGNATED BY THE COURT~~ ANY
19 EVIDENCE THAT THE COURT CONSIDERS APPROPRIATE TO THE DETERMINATION
20 OF WHETHER THE INDIVIDUAL IS A SEXUALLY VIOLENT PREDATOR, INCLUDING
21 THE PRESENTENCING INVESTIGATION AND THE OFFENDER'S INMATE RECORD;

22 (II) ~~ANY EVIDENCE, INCLUDING EXPERT TESTIMONY,~~
23 ~~INTRODUCED BY THE PERSON CONVICTED; AND~~

24 (III) AT THE REQUEST OF THE STATE'S ATTORNEY, ANY EVIDENCE
25 PRESENTED BY A VICTIM OF THE SEXUALLY VIOLENT OFFENSE.

26 (C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON THE EARLIER
27 OF THE DATE THAT THE SEXUALLY VIOLENT PREDATOR IS RELEASED, IS GRANTED
28 PROBATION BEFORE JUDGMENT, IS GRANTED PROBATION AFTER JUDGMENT, IS
29 GRANTED A SUSPENDED SENTENCE, OR RECEIVES A SENTENCE THAT DOES NOT
30 INCLUDE A TERM OF IMPRISONMENT, THE SUPERVISING AUTHORITY SHALL SEND
31 WRITTEN NOTICE OF THE RELEASE OF THE SEXUALLY VIOLENT PREDATOR TO THE
32 LOCAL LAW ENFORCEMENT AGENCY IN THE COUNTY WHERE THE OFFENDER WILL
33 RESIDE.

34 (2) A WRITTEN NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS
35 SUBSECTION SHALL INCLUDE:

36 (I) THE FULL NAME OF THE SEXUALLY VIOLENT PREDATOR;

37 (II) THE SEXUALLY VIOLENT PREDATOR'S ADDRESS, IF
38 AVAILABLE;

39 (III) THE SEXUALLY VIOLENT PREDATOR'S SOCIAL SECURITY
40 NUMBER;

10

1 (IV) A RECENT PHOTOGRAPH OF THE SEXUALLY VIOLENT
2 PREDATOR; AND

3 (V) A BRIEF DESCRIPTION OF THE CRIME FOR WHICH THE
4 SEXUALLY VIOLENT PREDATOR WAS CONVICTED, GRANTED PROBATION BEFORE
5 JUDGMENT, OR FOUND NOT CRIMINALLY RESPONSIBLE.

6 (3) THE SAME NOTICE AS REQUIRED UNDER PARAGRAPH (1) OF THIS
7 SUBSECTION SHALL BE SENT TO THE FOLLOWING PERSONS, IF SUCH NOTICE HAS
8 BEEN REQUESTED IN WRITING, ABOUT A SPECIFIC SEXUALLY VIOLENT PREDATOR:

9 (I) THE VICTIM OF THE CRIME FOR WHICH THE SEXUALLY
10 VIOLENT PREDATOR WAS CONVICTED OR, IF THE VICTIM IS A MINOR, THE PARENTS
11 OR LEGAL GUARDIAN OF THE VICTIM;

12 (II) ANY WITNESS WHO TESTIFIED AGAINST THE SEXUALLY
13 VIOLENT PREDATOR IN ANY COURT PROCEEDINGS INVOLVING THE OFFENSE; AND

14 (III) ANY PERSON SPECIFIED IN WRITING BY THE STATE'S
15 ATTORNEY.

16 (4) INFORMATION REGARDING ANY PERSON WHO RECEIVES NOTICE
17 UNDER PARAGRAPH (3) OF THIS SUBSECTION IS CONFIDENTIAL AND MAY NOT BE
18 DISCLOSED TO THE SEXUALLY VIOLENT PREDATOR OR ANY OTHER PERSON,
19 AGENCY, OR ENTITY.

20 (5) IF A SEXUALLY VIOLENT PREDATOR ESCAPES FROM A FACILITY,
21 THE SUPERVISING AUTHORITY OF THE FACILITY SHALL IMMEDIATELY NOTIFY, BY
22 THE MOST REASONABLE AND EXPEDIENT MEANS AVAILABLE:

23 (I) THE LOCAL LAW ENFORCEMENT AGENCY IN THE
24 JURISDICTION IN WHICH THE OFFENDER RESIDED BEFORE THE OFFENDER WAS
25 COMMITTED TO THE CUSTODY OF THE SUPERVISING AUTHORITY; AND

26 (II) ANY PERSON WHO IS ENTITLED TO RECEIVE NOTICE UNDER
27 PARAGRAPH (3) OF THIS SUBSECTION.

28 (6) IF THE OFFENDER IS RECAPTURED, THE SUPERVISING AUTHORITY
29 SHALL SEND NOTICE, AS SOON AS POSSIBLE AND IN NO EVENT LATER THAN 2
30 WORKING DAYS AFTER THE SUPERVISING AUTHORITY LEARNS OF THE RECAPTURE,
31 TO:

32 (I) THE LOCAL LAW ENFORCEMENT AGENCY IN THE
33 JURISDICTION IN WHICH THE OFFENDER RESIDED BEFORE THE OFFENDER WAS
34 COMMITTED TO THE CUSTODY OF THE SUPERVISING AUTHORITY; AND

35 (II) ANY PERSON WHO IS ENTITLED TO RECEIVE NOTICE UNDER
36 PARAGRAPH (3) OF THIS SUBSECTION.

37 (7) A SUPERVISING AUTHORITY SHALL SEND ANY NOTICE REQUIRED
38 UNDER PARAGRAPHS (3), (5)(II), AND (6)(II) OF THIS SUBSECTION TO THE LAST
39 ADDRESS PROVIDED TO THE SUPERVISING AUTHORITY FOR A PERSON WHO IS
40 ENTITLED TO NOTICE UNDER PARAGRAPH (3) OF THIS SUBSECTION.

11

1 (8) IF A SEXUALLY VIOLENT PREDATOR WILL RESIDE AFTER RELEASE
2 IN A MUNICIPAL CORPORATION THAT HAS A POLICE DEPARTMENT, OR, IN THE CASE
3 WHERE A SEXUALLY VIOLENT PREDATOR ESCAPES FROM A FACILITY AND THE
4 OFFENDER RESIDED, BEFORE THE OFFENDER WAS COMMITTED TO THE CUSTODY
5 OF A SUPERVISING AUTHORITY, IN A MUNICIPAL CORPORATION THAT HAS A
6 POLICE DEPARTMENT, A LOCAL LAW ENFORCEMENT AGENCY THAT RECEIVES A
7 NOTICE FROM A SUPERVISING AUTHORITY UNDER THIS SUBSECTION SHALL SEND A
8 COPY OF THE NOTICE TO THE POLICE DEPARTMENT OF THE MUNICIPAL
9 CORPORATION.

10 (D) (1) IN THIS SUBSECTION, "RESIDENT" MEANS A PERSON WHO LIVES IN
11 THIS STATE AT THE TIME THE PERSON:

12 (I) IS RELEASED;

13 (II) IS GRANTED PROBATION BEFORE JUDGMENT;

14 (III) IS GRANTED PROBATION AFTER JUDGMENT;

15 (IV) IS GRANTED A SUSPENDED SENTENCE; OR

16 (V) RECEIVES A SENTENCE THAT DOES NOT INCLUDE A TERM OF
17 IMPRISONMENT.

18 (2) A SEXUALLY VIOLENT PREDATOR SHALL REGISTER WITH THE
19 LOCAL LAW ENFORCEMENT AGENCY:

20 (I) IF THE SEXUALLY VIOLENT PREDATOR IS A RESIDENT, WITHIN
21 7 DAYS AFTER:

22 1. BEING RELEASED;

23 2. BEING GRANTED PROBATION BEFORE JUDGMENT;

24 3. BEING GRANTED PROBATION AFTER JUDGMENT;

25 4. BEING GRANTED A SUSPENDED SENTENCE; OR

26 5. RECEIVING A SENTENCE THAT DOES NOT INCLUDE A
27 TERM OF IMPRISONMENT; OR

28 (II) IF THE SEXUALLY VIOLENT PREDATOR IS NOT A RESIDENT,
29 WITHIN 7 DAYS AFTER THE EARLIER OF:

30 1. ESTABLISHING A TEMPORARY OR PERMANENT
31 RESIDENCE IN THIS STATE; OR

32 2. APPLYING FOR A DRIVER'S LICENSE IN THIS STATE.

33 (E) ON THE EARLIER OF THE DATE THAT THE SEXUALLY VIOLENT
34 PREDATOR IS RELEASED, IS GRANTED PROBATION BEFORE JUDGMENT, IS
35 GRANTED PROBATION AFTER JUDGMENT, IS GRANTED A SUSPENDED SENTENCE,
36 OR RECEIVES A SENTENCE THAT DOES NOT INCLUDE A TERM OF IMPRISONMENT,
37 THE SUPERVISING AUTHORITY SHALL:

12

1 (1) GIVE WRITTEN NOTICE TO A SEXUALLY VIOLENT PREDATOR OF
2 THE REGISTRATION REQUIREMENTS OF THIS SECTION; AND

3 (2) OBTAIN A STATEMENT SIGNED BY THE SEXUALLY VIOLENT
4 PREDATOR ACKNOWLEDGING THE RECEIPT OF THE WRITTEN NOTICE.

5 (F) IF THE SUPERVISING AUTHORITY ACCEPTS SUPERVISION OF AND HAS
6 LEGAL AUTHORITY OVER A SEXUALLY VIOLENT PREDATOR FROM ANOTHER STATE
7 UNDER THE TERMS AND CONDITIONS OF THE INTERSTATE COMPACT AGREEMENT
8 ESTABLISHED UNDER ARTICLE 41, § 4-801 OR §§ 4-1201 THROUGH 4-1211 OF THE
9 CODE, THE SUPERVISING AUTHORITY SHALL:

10 (1) GIVE THE SEXUALLY VIOLENT PREDATOR WRITTEN NOTICE OF THE
11 REGISTRATION REQUIREMENTS OF THIS SECTION; AND

12 (2) OBTAIN A STATEMENT SIGNED BY THE SEXUALLY VIOLENT
13 PREDATOR ACKNOWLEDGING THE RECEIPT OF THE WRITTEN NOTICE.

14 (G) (1) REGISTRATION SHALL CONSIST OF A STATEMENT SIGNED BY A
15 SEXUALLY VIOLENT PREDATOR WHICH SHALL INCLUDE:

16 (I) THE SEXUALLY VIOLENT PREDATOR'S NAME, ADDRESS, AND
17 PLACE OF EMPLOYMENT;

18 (II) A DESCRIPTION OF THE CRIME FOR WHICH THE SEXUALLY
19 VIOLENT PREDATOR WAS CONVICTED, GRANTED PROBATION BEFORE JUDGMENT,
20 OR FOUND NOT CRIMINALLY RESPONSIBLE;

21 (III) THE DATE THAT THE SEXUALLY VIOLENT PREDATOR WAS
22 CONVICTED, GRANTED PROBATION BEFORE JUDGMENT, OR FOUND NOT
23 CRIMINALLY RESPONSIBLE;

24 (IV) THE JURISDICTION IN WHICH THE SEXUALLY VIOLENT
25 PREDATOR WAS CONVICTED, GRANTED PROBATION BEFORE JUDGMENT, OR FOUND
26 NOT CRIMINALLY RESPONSIBLE;

27 (V) A LIST OF ANY ALIASES THAT HAVE BEEN USED BY THE
28 SEXUALLY VIOLENT PREDATOR; AND

29 (VI) THE SEXUALLY VIOLENT PREDATOR'S SOCIAL SECURITY
30 NUMBER.

31 (2) THE LOCAL LAW ENFORCEMENT AGENCY SHALL OBTAIN A
32 PHOTOGRAPH AND FINGERPRINTS OF THE SEXUALLY VIOLENT PREDATOR AND
33 INCLUDE COPIES OF THE PHOTOGRAPH AND FINGERPRINTS IN THE REGISTRATION
34 STATEMENT.

35 (3) (I) AS SOON AS POSSIBLE AND IN NO EVENT LATER THAN 3
36 WORKING DAYS AFTER REGISTRATION IS COMPLETED, THE LOCAL LAW
37 ENFORCEMENT AGENCY SHALL SEND A COPY OF THE REGISTRATION STATEMENT
38 TO THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

13

1 (II) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL
2 SERVICES SHALL MAINTAIN A CENTRAL REGISTRY OF SEXUALLY VIOLENT
3 PREDATORS.

4 (III) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL
5 SERVICES SHALL REIMBURSE THE LOCAL LAW ENFORCEMENT AGENCIES FOR THE
6 COST OF PROCESSING THE REGISTRATION STATEMENTS OF SEXUALLY VIOLENT
7 PREDATORS, INCLUDING THE TAKING OF FINGERPRINTS AND PHOTOGRAPHS.

8 (IV) 1. IN ADDITION TO THE NOTICE REQUIRED UNDER
9 SUBPARAGRAPH (I) OF THIS PARAGRAPH, A LOCAL LAW ENFORCEMENT AGENCY
10 MAY PROVIDE NOTICE OF A REGISTRATION STATEMENT TO INDIVIDUALS OR
11 ORGANIZATIONS IF THE AGENCY DETERMINES THAT SUCH NOTICE IS NECESSARY
12 TO PROTECT THE PUBLIC INTEREST.

13 2. A LOCAL LAW ENFORCEMENT AGENCY SHALL ESTABLISH
14 PROCEDURES FOR CARRYING OUT THE NOTIFICATION REQUIREMENTS OF THIS
15 SUBPARAGRAPH, INCLUDING THE CIRCUMSTANCES UNDER AND MANNER IN WHICH
16 NOTIFICATION SHALL BE PROVIDED.

17 (4) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, UPON
18 WRITTEN REQUEST TO A LOCAL LAW ENFORCEMENT AGENCY, THE AGENCY SHALL
19 SEND TO THE PERSON WHO SUBMITTED THE REQUEST ONE COPY OF EACH
20 REGISTRATION STATEMENT ON RECORD WITH THE AGENCY.

21 (II) A REQUEST FOR A COPY OF A REGISTRATION STATEMENT
22 UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH: SHALL CONTAIN:

23 1. THE NAME AND ADDRESS OF THE PERSON SUBMITTING
24 THE REQUEST; AND

25 2. THE REASON FOR REQUESTING THE INFORMATION.

26 ~~1. MAY ONLY BE MADE BY A PERSON WHOSE ADDRESS IS~~
27 ~~LOCATED WITHIN THE JURISDICTION OF THE LOCAL LAW ENFORCEMENT AGENCY~~
28 ~~TO WHICH THE REQUEST WAS SUBMITTED; AND~~

29 ~~2. SHALL CONTAIN THE NAME AND ADDRESS OF THE~~
30 ~~PERSON SUBMITTING THE REQUEST.~~

31 (III) A LOCAL LAW ENFORCEMENT AGENCY SHALL KEEP RECORDS
32 OF ALL WRITTEN REQUESTS RECEIVED UNDER SUBPARAGRAPH (I) OF THIS
33 PARAGRAPH.

34 (5) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A
35 LOCAL LAW ENFORCEMENT AGENCY MAY PROVIDE ELECTRONIC ACCESS TO COPIES
36 OF THE REGISTRATION STATEMENTS ON RECORD WITH THE AGENCY TO A PERSON
37 WHO SUBMITS A REQUEST FOR SUCH INFORMATION ON THE INTERNET.

38 (II) A REQUEST FOR COPIES OF REGISTRATION STATEMENTS
39 UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL CONTAIN:

14

1 1. THE NAME AND ADDRESS OF THE PERSON SUBMITTING

2 THE REQUEST; AND

3 2. THE REASON FOR REQUESTING THE INFORMATION.

4 (III) A LOCAL LAW ENFORCEMENT AGENCY SHALL KEEP RECORDS
5 OF ALL REQUESTS RECEIVED UNDER THIS PARAGRAPH.

6 (6) AN ELECTED PUBLIC OFFICIAL, PUBLIC EMPLOYEE, OR PUBLIC
7 AGENCY IS IMMUNE FROM CIVIL LIABILITY FOR DAMAGES ARISING OUT OF ANY
8 ACTION RELATING TO THE PROVISIONS OF THIS SUBSECTION, UNLESS IT IS SHOWN
9 THAT THE OFFICIAL, EMPLOYEE, OR AGENCY ACTED WITH GROSS NEGLIGENCE OR
10 IN BAD FAITH.

11 ~~(6)~~ (7) AS SOON AS POSSIBLE AND IN NO EVENT LATER THAN 3
12 WORKING DAYS AFTER RECEIVING THE CONVICTION DATA AND FINGERPRINTS OF
13 AN OFFENDER, THE DEPARTMENT SHALL TRANSMIT THE DATA AND FINGERPRINTS
14 TO THE FEDERAL BUREAU OF INVESTIGATION IF THE BUREAU DOES NOT HAVE
15 THAT INFORMATION.

16 (H) (1) IF A SEXUALLY VIOLENT PREDATOR CHANGES RESIDENCES, THE
17 OFFENDER SHALL SEND WRITTEN NOTICE OF THE CHANGE WITHIN 7 DAYS AFTER
18 THE CHANGE OCCURS TO THE LOCAL LAW ENFORCEMENT AGENCY WITH WHOM
19 THE OFFENDER LAST REGISTERED.

20 (2) AS SOON AS POSSIBLE AND IN NO EVENT LATER THAN 3 WORKING
21 DAYS AFTER RECEIPT OF THE NOTICE, THE LOCAL LAW ENFORCEMENT AGENCY
22 SHALL GIVE NOTICE OF THE CHANGE TO THE DEPARTMENT OF PUBLIC SAFETY AND
23 CORRECTIONAL SERVICES, AND IF THE NEW RESIDENCE IS IN A DIFFERENT
24 JURISDICTION, TO THE LOCAL LAW ENFORCEMENT AGENCY IN WHOSE
25 JURISDICTION THE NEW RESIDENCE IS LOCATED.

26 (3) THE SAME NOTICE AS REQUIRED UNDER PARAGRAPH (2) OF THIS
27 SUBSECTION SHALL BE SENT TO THE FOLLOWING PERSONS, IF SUCH NOTICE HAS
28 BEEN REQUESTED IN WRITING, ABOUT A SPECIFIC SEXUALLY VIOLENT PREDATOR:

29 (I) THE VICTIM OF THE CRIME FOR WHICH THE SEXUALLY
30 VIOLENT PREDATOR WAS CONVICTED OR, IF THE VICTIM IS A MINOR, THE PARENTS
31 OR LEGAL GUARDIAN OF THE VICTIM;

32 (II) ANY WITNESS WHO TESTIFIED AGAINST THE SEXUALLY
33 VIOLENT PREDATOR IN ANY COURT PROCEEDINGS INVOLVING THE OFFENSE; AND

34 (III) ANY PERSON SPECIFIED IN WRITING BY THE STATE'S
35 ATTORNEY.

36 (I) IF A SEXUALLY VIOLENT PREDATOR WILL RESIDE AFTER RELEASE IN A
37 MUNICIPAL CORPORATION THAT HAS A POLICE DEPARTMENT, OR, IN THE CASE
38 WHERE A SEXUALLY VIOLENT PREDATOR ESCAPES FROM A FACILITY AND THE
39 OFFENDER RESIDED, BEFORE THE OFFENDER WAS COMMITTED TO THE CUSTODY
40 OF A SUPERVISING AUTHORITY, IN A MUNICIPAL CORPORATION THAT HAS A
41 POLICE DEPARTMENT, A LOCAL LAW ENFORCEMENT AGENCY WITH WHICH A

15

1 SEXUALLY VIOLENT PREDATOR REGISTERS OR SENDS A CHANGE IN REGISTRATION
2 UNDER THIS SECTION SHALL SEND A COPY OF THE REGISTRATION STATEMENT OR
3 CHANGE IN REGISTRATION TO THE POLICE DEPARTMENT OF THE MUNICIPAL
4 CORPORATION.

5 (J) (1) EVERY 90 DAYS, THE LOCAL LAW ENFORCEMENT AGENCY SHALL
6 MAIL A VERIFICATION FORM, WHICH MAY NOT BE FORWARDED, TO THE LAST
7 REPORTED ADDRESS OF A SEXUALLY VIOLENT PREDATOR.

8 (2) WITHIN 10 DAYS AFTER RECEIVING THE VERIFICATION FORM, THE
9 SEXUALLY VIOLENT PREDATOR SHALL SIGN THE FORM AND MAIL IT TO THE LOCAL
10 LAW ENFORCEMENT AGENCY.

11 (K) (1) A SEXUALLY VIOLENT PREDATOR WHO HAS BEEN REGISTERED
12 UNDER THIS SECTION FOR AT LEAST 10 YEARS MAY FILE A PETITION REQUESTING A
13 COURT TO RULE THAT THE PERSON IS NO LONGER A SEXUALLY VIOLENT
14 PREDATOR.

15 (2) A PETITION UNDER THIS SUBSECTION SHALL BE FILED IN THE
16 CIRCUIT COURT FOR THE COUNTY WHERE THE SEXUALLY VIOLENT PREDATOR
17 WAS CONVICTED OR HAS A RESIDENCE.

18 (3) ON THE FILING OF A PETITION UNDER THIS SUBSECTION, THE
19 COURT SHALL: CONSIDER ANY EVIDENCE THAT THE COURT CONSIDERS
20 APPROPRIATE.

21 ~~(I) ORDER A REEVALUATION OF THE PERSON BY AN EXPERT IN~~
22 ~~THE TREATMENT OF SEXUAL OFFENDERS, AS DESIGNATED BY THE COURT; AND~~

23 ~~(II) CONSIDER THE REEVALUATION AND ANY EVIDENCE,~~
24 ~~INCLUDING EXPERT TESTIMONY, SUBMITTED BY THE PERSON FILING THE PETITION~~
25 ~~IN DETERMINING WHETHER THE PERSON IS STILL A SEXUALLY VIOLENT~~
26 ~~PREDATOR.~~

27 (4) WITHIN 30 DAYS AFTER THE FILING OF A PETITION UNDER THIS
28 SUBSECTION, THE COURT SHALL:

29 (I) DISMISS THE PETITION; OR

30 (II) ISSUE AN ORDER STATING THAT THE OFFENDER IS NO
31 LONGER CONSIDERED A SEXUALLY VIOLENT PREDATOR.

32 (5) IF A PETITION IS DISMISSED UNDER PARAGRAPH (4)(I) OF THIS
33 SUBSECTION, THE SEXUALLY VIOLENT PREDATOR MAY FILE A SUBSEQUENT
34 PETITION SUBJECT TO THE SAME PROCEDURES AFTER EACH 5-YEAR PERIOD AFTER
35 THE DISMISSAL.

36 ~~(K)~~ (L) UNLESS A COURT ISSUES AN ORDER UNDER SUBSECTION (J)(4)(II) OF
37 THIS SECTION, A SEXUALLY VIOLENT PREDATOR SHALL VERIFY EVERY 90 DAYS
38 THE PREDATOR'S PLACE OF RESIDENCE AND REPORT CHANGES OF ADDRESS TO
39 THE ~~SUPERVISING AUTHORITY~~ LOCAL LAW ENFORCEMENT AGENCY.

16

1 ~~(L)~~ (M) A SEXUALLY VIOLENT PREDATOR WHO KNOWINGLY FAILS TO
2 REGISTER AS REQUIRED BY THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON
3 CONVICTION IS SUBJECT TO IMPRISONMENT IN THE PENITENTIARY FOR NOT MORE
4 THAN 5 YEARS OR A FINE OF NOT MORE THAN \$10,000 OR BOTH.

5 **~~Article—Health—General~~**

6 ~~10-101.~~

7 ~~(d) "Director" means the Director of Mental Hygiene.~~

8 **~~PART V. BOARDS ON SEXUALLY VIOLENT PREDATORS.~~**

9 ~~10-927.~~

10 ~~(A) IN THIS PART V OF THIS SUBTITLE, "BOARD" MEANS A BOARD ON~~
11 ~~SEXUALLY VIOLENT PREDATORS.~~

12 ~~(B) THE DIRECTOR SHALL APPOINT ONE OR MORE BOARDS.~~

13 ~~(C) A BOARD SHALL BE COMPRISED OF AT LEAST THREE MEMBERS WHO ARE~~
14 ~~EXPERTS IN THE FIELD OF BEHAVIOR AND TREATMENT OF SEXUAL OFFENDERS.~~

15 ~~(D) THE DIRECTOR SHALL ADOPT REGULATIONS GOVERNING:~~

16 ~~(1) THE COMPOSITION OF A BOARD;~~

17 ~~(2) THE APPOINTMENT OF BOARD MEMBERS;~~

18 ~~(3) THE TERMS OF BOARD MEMBERS;~~

19 ~~(4) PROCEDURES FOR FILLING A VACANCY ON A BOARD;~~

20 ~~(5) THE REMOVAL OF BOARD MEMBERS; AND~~

21 ~~(6) PROCEDURES FOR DETERMINING IF A PERSON IS A SEXUALLY~~
22 ~~VIOLENT PREDATOR.~~

23 ~~(E) WHEN REQUESTED BY A COURT, A BOARD SHALL DETERMINE IF A~~
24 ~~PERSON IS A SEXUALLY VIOLENT PREDATOR UNDER § 792B OF ARTICLE 27 OF THE~~
25 ~~CODE.~~

26 ~~(F) A MEMBER OF A BOARD MAY RECEIVE COMPENSATION FOR THE~~
27 ~~MEMBER'S SERVICES.~~

28 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Public
29 Safety and Correctional Services shall conduct public education and awareness programs
30 to inform the public of its ability to obtain information regarding a sexually violent
31 predator under this Act.

32 SECTION 3. AND BE IT FURTHER ENACTED, That the Court of Appeals shall
33 adopt rules governing the determination of sexually violent predators.

34 SECTION 4. AND BE IT FURTHER ENACTED, That nothing in this Act shall
35 be construed to impose a duty on a licensed real estate broker, licensed real estate

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1 associate broker, or licensed real estate salesperson to disclose information concerning a
2 sexual offender or sexually violent predator who is required to register under this Act.
3 The identity of or fact that a sexual offender or sexually violent predator who is required
4 to register under this Act resides or works in a community is not a material fact required
5 to be disclosed by a real estate licensee under Title 17 of the Business Occupations and
6 Professions Article.

7 SECTION 3- 5. AND BE IT FURTHER ENACTED, That this Act shall be
8 construed only prospectively to apply to offenses that are committed after October 1,
9 1997, and may not be applied or interpreted to have any effect on or application to any
10 individual who commits an offense before October 1, 1997.

11 SECTION 4- 6. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 1997.